

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONSTRUCTION INDUSTRY AND : Civil Action No. 1:09-cv-03614-CM
LABORERS JOINT PENSION TRUST and :
PLUMBERS AND PIPEFITTERS UNION : CLASS ACTION
LOCAL 525 PENSION PLAN, on Behalf of :
Themselves and All Others Similarly Situated, :
: Plaintiffs, :
: vs. :
: AUSTIN CAPITAL MANAGEMENT LTD., :
CHARLES W. RILEY, BRENT A. MARTIN, :
JAMES P. OWEN, ROBERT WAGNER, :
DAVID C. BROWN, DAVID E. FRIEDMAN, :
ROTHSTEIN, KASS & COMPANY, P.L.L.C., :
ROTHSTEIN, KASS & COMPANY :
(CAYMAN) and DOES 1-100, :
: Defendants. :
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**DECLARATION OF DAVID A. ROSENFIELD IN SUPPORT OF THE MOTION OF
THE PENSION & TRUST FUNDS FOR APPOINTMENT AS LEAD PLAINTIFFS AND
APPROVAL OF SELECTION OF LEAD COUNSEL**

David A. Rosenfeld declares, under penalty of perjury:

1. I am a member of Coughlin Stoia Geller Rudman & Robbins LLP (“Coughlin Stoia”), proposed Lead Counsel for the Operating Engineers Trust Funds, the Sheet Metal Workers’ National Pension Fund and the International Brotherhood of Teamsters Local 705 Pension Fund (the “Pension & Trust Funds”). I submit this Declaration in support of the Motion of the Pension & Trust Funds for Appointment as Lead Plaintiffs and Approval of Selection of Lead Counsel.

2. Attached hereto as Exhibit A is a true and accurate copy of the notice regarding the pendency of this action, which was published on *Business Wire* on April 8, 2009.

3. Attached hereto as Exhibit B are the Certifications of the duly authorized representatives of the Pension & Trust Funds.

4. Attached hereto as Exhibit C is a true copy of the firm resume of Coughlin Stoia, proposed Lead Counsel for the Pension & Trust Funds in this action.

DATED: June 8, 2009

s/ David A. Rosenfeld

DAVID A. ROSENFELD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 8, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

s/ David A. Rosenfeld

DAVID A. ROSENFELD